

REMARKS

Claims 1-14 are currently pending in the subject application. Reconsideration of the application in its current format is hereby respectfully requested.

In the Office action, the Examiner has rejected claims 1-5, allowed claims 6-7 and found that claims 9-14 would be allowable if rewritten in independent form. Applicant thanks the Examiner for this indication of allowability.

The Examiner has rejected independent claims 1 and 8 under 35 U.S.C. §103(a) as being unpatentable over German Patent Document DE1265836 to Peiser et al. (hereinafter "Peiser"), in view of U.S. Patent No. 3,569,673 to Clark (hereinafter "Clark"). The Examiner has rejected claims 2-5 under 35 U.S.C. §103(a) as being unpatentable over Peiser and Clark, as applied to claim 1, and further in view of U.S. Patent No. 3,467,903 to Streater (hereinafter "Streater"). Applicant traverses these rejections for at least the reasons set forth below.

As acknowledged by the Examiner, Peiser fails to disclose a thermal fuse and an element with a threshold voltage and current characteristic connected in series between the output of the auxiliary secondary winding of one of the single-phase transformers and the resistor R. The Examiner, however, cites Clark as teaching these components. More specifically, the Examiner finds the component denoted by the reference numeral 28 in Clark as being a thermal fuse. The component denoted by the reference numeral 28, however, is a negative temperature coefficient (NTC) thermistor, which cannot be construed as a thermal fuse. As set forth in column 4, lines 60-66, "[t]he thermistor 28 preferably has a negative temperature coefficient of resistance and, thus, a *decrease in thermistor resistance caused by an increase in temperature* effects an increase in the magnetizing current in the

winding 46" (emphasis added). This is the diametrical opposite of the operation of a thermal fuse, namely to cause a large increase in resistance or a complete circuit disconnection upon an increase in temperature (see page 4, line 27-29 of the filed specification). Accordingly, Applicant submits that Clark fails to show or suggest a thermal fuse and, if anything, teaches away from the claimed invention of independent claims 1 and 8. Therefore, Applicant submits that independent claims 1 and 8 are patentable over Peiser and Clark.

Since Streater merely discloses a motor circuit with a thermal cutout, it is clear that Streater fails to cure the deficiencies of Peiser and Clark with regard to independent claims 1 and 8 and, thus, dependent claims 2-5. Accordingly, Applicant submits that claims 1-14 are patentable over Peiser, Clark and Streater, individually and in combination.

Based on the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Respectfully submitted,

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